

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 23, 2003

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and D.Nolan,
Deputy Clerk.

Each of the following:

B155025 / B154989 DeHaven v. SCLA; Holy Spirit Assn.
B158115 In re Marriage of Waddell
B159654 Santillan v. Laplante
B161550 In re Stephen C. DCFS . George E.

Argument waived, cause submitted.

B155827 Micah L. Dorsey, et al.
 v.
 Lynn J. Dorsey

Merits:

Argued by Robert Lipscomb for appellant and by Fred Rucker for
respondents. Cause submitted.

Mallano, J. leaves the bench.

B159470 Hong Fang
 v.
 Joseph Torres

Merits:

Argued by Richard A. Caplan for appellant and by Daniel P. Barer for
respondent. Cause submitted.

DIVISION ONE (Continued)

B153709 Commercial Programming Systems, Inc.
 v.
 Realnewsnet.Com

Merits:
Argued by Brent Zadorozny for appellant and by James M. Tillipman for respondent. Cause submitted.

B154357 Sheila G. Moore
 v.
 Barry B. Kaufman

Merits:
Argued by James S. Link for appellant and by Barry B. Kaufman for respondent. Cause submitted.

Mallano, J. returns to the bench.

B160061 Farmer Bros. Co.
 v.
 Franchise Tax Board

Merits:
Argued by Gregory S. Price, Deputy Attorney General, for appellant and by Robin C. Campbell for respondent. Cause submitted.

Ortega, J. leaves the bench.

B156205 Irena Sniecinski, et al.
 v.
 City of Hope National Medical Center, et al.

Merits:
Argued by Curt Surls for appellants and by Thomas L. Pfister for respondents. Cause submitted.

Ortega, J. returns to the bench.

April 23, 2003 (Continued)

DIVISION ONE (Continued)

Mallano, J. leaves the bench.

B146226 Sebastian International Inc.
 v.
 Drug Emporium, Inc.

Merits:

Argued by Eric S. Engel for appellant and by Terence J. Gallagher for respondent. Cause submitted.

Mallano, J. returns to the bench.

B163692 Patricia Paley Neu
 v.
 Superior Court, Los Angeles County
 (Richard W. Neu, r.p.i.)

Merits:

Argued by Charles K. Wake for real party in interest and by Lionel Hernholm for petitioner. Cause submitted.

Ortega, J. leaves the bench.

B159575 Thomas Siegfried, et al.
 v.
 City of Baldwin Park, et al.

Merits:

Argued by Raymond W. Johnson for appellants; by Susan Durbin, Deputy Attorney General amicus curiae for appellant; by John C. Nolan for respondents and by Robert K. Break amicus curiae for respondent. Cause submitted.

Court adjourned.

DIVISION ONE (Continued)

B161422 Los Angeles County, D.C.S. (Not for Publication)
v.
Sujedy P.
In re Joshua P. et al., minors

We reverse the order terminating mother's parental rights. We remand the case for an updated review hearing.

Ortega, J.

We concur: Spencer, P.J.
 Mallano, J.

B158892 People (Not for Publication)
v.
Dorsey

The judgment is affirmed. The matter is remanded for the trial court to issue a new abstract of judgment showing the correct sentence of 50 years to life and to send the corrected abstract to the Department of Corrections.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B161785 Los Angeles County, D.C.S. (Not for Publication)
v.
Latochia W.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

April 23, 2003 (Continued)

DIVISION ONE (Continued)

B159645 Santillan (Not for Publication)
v.
LaPlante

The order of dismissal is affirmed. The District and Laplante are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B159447 People (Not for Publication)
v.
Labeet

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B157104 People (Not for Publication)
v.
Kincade

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

April 23, 2003 (Continued)

DIVISION ONE (Continued)

B164767 Laurie R. (Not for Publication)

v.

Superior Court, Los Angeles County

(L.A. County Department of Children and Family Services, r.p.i.)

The petition is denied. Laurie's request for a stay of the hearing set for May 28, 2003, is denied as moot.

Vogel, (Miriam A.),

We concur: Spencer, P.J.
Ortega, J.

B156300 Eller Media Company

v.

Community Redevelopment Agency

Filed order certifying opinion for publication.

B156776 Basurco et al.

v.

21st Century Insurance Company

Filed order modifying opinion and certifying opinion for publication. (No change in the judgment)

DIVISION TWO

B162120 Los Angeles County, D.C.S. (Not for Publication)

v.

James P.

The judgment is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
Ashmann-Gerst, J.

April 23, 2003 (Continued)

DIVISION TWO (Continued)

B149957 People (Not for Publication)
v.
Matthews, et al.

The judgments against each defendant are hereby modified as follows: The restitution fine is reduced to \$10,000, and the parole revocation fine is stricken. As to defendants Lipsey and Jones, the judgments are modified to reflect that the firearm enhancements on counts 8, 11 and 17 are stricken. As to defendant Matthews, the judgment is modified to award presentence custody credit of 823 days instead of 647 days. The trial court is directed to amend the abstracts of judgment to reflect these modifications and to forward certified copies of the amended abstracts to the Department of Corrections. (§§ 1213, 1216.) The judgments as modified are affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
Ashmann-Gerst, J.

B158406 Essex Insurance Company (Not for Publication)
v.
Lexington Insurance Company

The judgment dismissing Essex's complaint in the 2001 action is affirmed. Costs are awarded to respondent.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B151107 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION THREE (Continued)

B160404 People v. Reyes (Not for Publication)

The abstract of judgment is ordered modified to reflect 202 days of presentence custody credit consisting of 176 days of actual presentence custody plus 26 days of conduct credit under Penal Code section 2933.1. In all other respects, the judgment is affirmed. The clerk of the superior court shall prepare and forward to the Department of Corrections an amended abstract of judgment.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B161182 People (Not for Publication)
v.
Castillo

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B157735 Andre Ohanian (Not for Publication)
v.
Shagen Galstanyan, et al.

The judgment is affirmed. Ohanian is to bear his own costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

April 23, 2003 (Continued)

DIVISION THREE (Continued)

B151107 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B160404 People (Not for Publication)
v.
Reyes

The abstract of judgment is ordered modified to reflect 202 days of presentence custody credit consisting of 176 days of actual presentence custody plus 26 days of conduct credit under Penal Code section 2933.1. In all other respects, the judgment is affirmed. The clerk of the superior court shall prepare and forward to the Department of Corrections an amended abstract of judgment.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B161182 People (Not for Publication)
v.
Castillo

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

April 23, 2003 (Continued)

DIVISION THREE (Continued)

B157735 Andre Ohanian (Not for Publication)
 v.
 Shagen Galstanyan, et al.

The judgment is affirmed. Ohanian is to bear his own costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION FOUR

B157859 People (Not for Publication)
 v.
 Nieto

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

B155900 Booque (Not for Publication)
 v.
 McCullough, Jr., et al.

The judgment is reversed. Appellant shall recover his costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

April 23, 2003 (Continued)

DIVISION FOUR (Continued)

B159388 Wright (Not for Publication)
v.
Woolfolk

The order setting the child custody amount is reversed and remanded for further proceedings in accordance with this opinion. Appellant is awarded his costs.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FIVE

B157867 People (Not for Publication)
v.
Rufus and Adam Hicks

The judgment against Adam Hicks is affirmed. We affirm Rufus Hicks's conviction for violating sections 12021 and 12316. Rufus Hicks's conviction for violating Health and Safety Code section 11350 is reversed and the charge dismissed. The matter is remanded as to Rufus Hicks alone for resentencing.

Armstrong, J.

I concur:	Mosk, J.
I concur and dissent:	Grignon, Acting P.J. (Opinion)

B154298 Maxine Richter (Not for Publication)
v.
Aetna Life Insurance and Annuity Company et al

The judgment and the order granting the motion to set aside the original judgment are reversed. The original judgment, as reinstated, is affirmed. Appellant Maxine R. Richter is awarded her costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SIX

[illegible]

We remand to the juvenile court for an express declaration pursuant to section 702 and possible recalculation of the maximum period of confinement, but otherwise affirm.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B159024 Marian (Not for Publication)
v.
State of California, et al.

The judgment is affirmed. Respondents are entitled to their costs on appeal.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B161484 People (Certified for Publication)
v.
Maheshwari

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B165840 Human Resources Agency
B165919 v.
B165930 Rosalba M.

Filed order consolidating above captioned appeals.

DIVISION SIX (Continued)

B137593 Jones (Certified for Publication)

v.

First American Title Ins. Co.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SEVEN

B157329 Neubauer, et al. (Certified for Publication)

v.

Goldfarb, et al.

The judgment in favor of Andrew and Steven Goldfarb on the first through fourth causes of action is reversed. In all other respects the judgment is affirmed. Appellant is awarded costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
 Woods, J.

B158335 People (Not for Publication)

v.

Arnwine

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
 Munoz, J. (Assigned)

April 23, 2003 (Continued)

DIVISION SEVEN (Continued)

B158229 People v. Newman (Not for Publication)

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Munoz, J. (Assigned)

B161640 Los Angeles County, D.C.S. (Not for Publication)
v.
Vannoy B.,
In re Venay B.

The appeal from the jurisdictional and dispositional orders is dismissed. The order denying presumed father status is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Munoz, J. (Assigned)

B150320 Bashkin (Not for Publication)
v.
McCashin

The judgment is affirmed. Each party to bear their own costs.

Johnson, Acting P.J.

We concur: Woods, J.
Munoz, J. (Assigned)

April 23, 2003 (Continued)

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Munoz, J. (Assigned)

[illegible]

The judgment is vacated and the cause is remanded to superior court for resentencing by a different bench officer with directions to either (a) impose the same sentence for permissible reason, or (b) impose such other sentence as may be deemed appropriate under the circumstances, and (c) if necessary, to prepare and send an amended abstract of judgment of the California Department of Corrections.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B156321 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Munoz, J. (Assigned)

April 23, 2003 (Continued)

DIVISION SEVEN (Continued)

B158053 People (Not for Publication)
v.
Rios

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION EIGHT

B161872 Jade T. Bertram, by and through her Guardian Ad Litem, Daniel Wilson,
v.
Steven Vouis, M.D.

B164186 Jade T. Bertram, by and through her Guardian Ad Litem, Daniel Wilson,
v.
Steven Vouis, M.D.

Filed order consolidating above captioned appeals.

B164180 Brant
v.
Superior Court, Los Angeles County
(City Of Los Angeles, r.p.i.)

Filed order certifying opinion for publication.